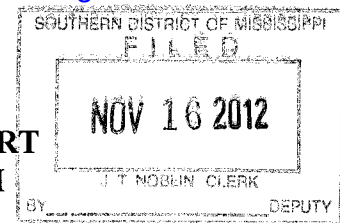


IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION



EVERLYN WILSON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:12CV782DPJ-FKB

WAL-MART STORES, INC.;  
WAL-MART STORES EAST, INC.;  
WAL-MART STORES EAST, LP; and  
JOHN DOES 1 THROUGH 10

DEFENDANT

NOTICE OF REMOVAL

COME NOW Wal-Mart Stores, Inc. and Wal-Mart Stores East, Inc, improperly named as Defendants, and Wal-Mart Stores East, LP, the proper defendant ("Wal-Mart") by and through counsel, and without waiving any objections to venue or any other defenses, including any Rule 12(b) defenses, and file their Notice of Removal of this action from the First Judicial District of the Circuit Court of Hinds County, Mississippi, to the United States District Court for the Southern District of Mississippi, Jackson Division, and, in support thereof, would show unto the Court the following:

COMPLAINT

1. On or about April 27, 2012, the Plaintiff filed a Complaint against Defendants in the First Judicial District of the Circuit Court of Hinds County, Mississippi, being civil action number 251-12-326 CIV, a copy of which is attached hereto as **Exhibit A**.

2. In her Complaint, the Plaintiff alleges that she slipped and fell on a "liquid substance appearing to be water." **Exhibit. A, ¶(8)**. The Plaintiff seeks damages in an amount "not less than One Million Dollars (\$1,000,000.00)." **Exhibit. A**, unnumbered paragraph beginning "WHEREFORE."

**PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN MET**

**A. This Case is Properly Removable**

3. This case is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), which provides in pertinent part as follows:

Except as otherwise expressly provided by Act of Congress, [1] any civil action brought in a state court of which the district courts of the United States have original jurisdiction, [2] may be removed by the defendant or the defendants, to the District Court of the United States for the district or division embracing the place where such action is pending. . . .

28 U.S.C. § 1441(a) (emphasis added).

4. As will be explained in more detail below, this Court has original jurisdiction (diversity jurisdiction) of this case, pursuant to 28 U.S.C. § 1332(a), as amended, which provides in pertinent part as follows:

a. The district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and cost, and is between –

(1) citizens of different States. . . .

28 U.S.C. § 1441(a).

5. Additionally, the United States District Court for the Southern District of Mississippi, Jackson Division, is the district and division embracing the location of the state court where this suit is currently pending.

**B. This Removal is Timely**

6. Pursuant to 28 U.S.C. § 1446 (b), a notice of removal can be filed within thirty (30) days after receipt by the defendant “through service or otherwise, a copy of an the initial pleading

setting forth the claim for relief upon which such action or proceeding is based. . . .” 28 U.S.C. §1446 (b).

7. Wal-Mart was served with a copy of the Summons and Complaint on October 22, 2012. *See* **Exhibit B**.

8. Since Wal-Mart is removing this case within thirty days from October 22, 2012, removal is proper and timely.

**C. Required Documents Attached and Notice to Clerk Given**

9. Pursuant to 28 U.S.C. § 1446(a), copies of process, pleadings and orders served on Wal-Mart are attached hereto collectively as **Exhibit B**.

10. Pursuant to L.U.Civ.R. 5(b)(1), a true and correct certified copy of the state court file is attached hereto as **Exhibit C**.

11. Additionally, contemporaneous with the filing of this Notice of Removal, Wal-Mart will file a copy of the same with the Clerk of the First Judicial District of the Circuit Court of Hinds County, Mississippi, in accordance with 28 U.S.C. §1446(d).

**DIVERSITY JURISDICTION EXISTS**

12. As already briefly mentioned, this Court has original diversity jurisdiction over this case, pursuant to 28 U.S.C. § 1332(a), because the Plaintiff and Defendant are citizens of different states, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

**A. Diversity of Citizenship Exists**

13. According to the Complaint, the Plaintiff is an adult resident citizen of Hinds County, Mississippi. **Exhibit A**, at ¶(1).

14. **Wal-Mart Stores East, LP**, is a citizen of the States of Delaware and Arkansas.

Wal-Mart Stores East, LP, is a limited partnership formed under the laws of the State of Delaware, of which WSE Management, LLC, is the general partner, and WSE Investment, LLC, is the limited partner. The sole member of WSE Management, LLC, and WSE Investment, LLC, is Wal-Mart Stores East, Inc., whose parent company is Wal-Mart Stores, Inc. The principal place of business of Wal-Mart Stores East, LP, is 702 SW 8th Street, Bentonville, Arkansas 72716. **WSE Management, LLC**, is a limited liability company formed under the laws of the State of Delaware and is an indirect wholly-owned subsidiary of Wal-Mart Stores, Inc. The sole member of WSE Management, LLC, is Wal-Mart Stores East, Inc., whose direct parent is Wal-Mart Stores, Inc. The principal place of business of WSE Management, LLC, is 702 SW 8th Street, Bentonville, Arkansas 72716. **WSE Investment, LLC**, is a limited liability company formed under the laws of the State of Delaware and is an indirect wholly-owned subsidiary of Wal-Mart Stores, Inc. The sole member of WSE Investment LLC, is Wal-Mart Stores East, Inc., whose direct parent corporation is Wal-Mart Stores, Inc. The principal place of business of WSE Investment, LLC, is 702 SW 8th Street, Bentonville, Arkansas 72716. **Wal-Mart Stores East, Inc.**, is a corporation formed under the laws of the State of Arkansas and is a wholly-owned subsidiary of Wal-Mart Stores, Inc. The principal place of business of Wal-Mart Stores East, Inc., is 702 SW 8th Street, Bentonville, Arkansas 72716. **Wal-Mart Stores, Inc.**, is a corporation formed under the laws of the State Delaware and is the ultimate parent corporation of Wal-Mart Stores East, LP. The principal place of business of Wal-Mart Stores, Inc., is 702 SW 8th Street, Bentonville, AR 72716.

**B. Amount in Controversy Met**

15. Since the Plaintiff seeks damages in the amount of \$1,000,000.00, it is apparent

from the face of the complaint that the amount in controversy has been met, and the case is initially removable pursuant to 28 U.S.C. § 1446.

16. Defendant reserves the right to amend or supplement this Notice of Removal.

**WHEREFORE, PREMISES CONSIDERED**, Wal-Mart requests that this Court proceed with the handling of this case as if it had been originally filed herein, and that further proceedings in the First Judicial District of the Circuit Court of Hinds County, Mississippi, be hereby stayed.

This the 16th day of November, 2012.

Respectfully submitted,

**WAL-MART STORES, INC.;**  
**WAL-MART STORES EAST, INC.; and**  
**WAL-MART STORES EAST, LP**

By: 

Thomas M. Louis (MSB# 8484)  
Shanda M. Yates (MSB# 102687)

**OF COUNSEL:**  
**WELLS MARBLE & HURST, PLLC**  
Post Office Box 131  
Jackson, Mississippi 39205-0131  
Telephone: (601) 605-6900  
Facsimile: (601) 605-6901  
[tlouis@wellsmar.com](mailto:tlouis@wellsmar.com)  
[syates@wellsmar.com](mailto:syates@wellsmar.com)

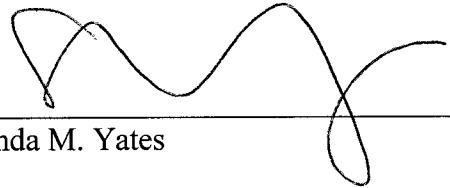
**CERTIFICATE OF SERVICE**

I, Shanda M. Yates, do hereby certify that a copy of the above and foregoing has this day been sent, via United States Mail, postage pre-paid, to the following:

Taurean Buchanan  
Tatum & Wade, PLLC  
Post Office Box 22688  
Jackson, MS 39225

Barbara Dunn, Clerk  
Hinds County Circuit Court  
P. O. Box 327  
Jackson, MS 39205

Dated the 16th day of November, 2012.

  
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Shanda M. Yates